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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/820,608 03/19/97 SUNAGA

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EXAMINER

VANDERPUYE, K

ART UNIT

PAPER NUMBER

2661

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/820608

Applicant(s)

SUNAGA

Examiner

VANDERPUYE

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 18-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 18-19 is/are rejected.
- ☒ Claim(s) 20 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Objections*

1. Claim objected to because of the following informalities:

In claim 18 line 5, the word "despread" must be changed to --spread--. Appropriate correction is required.

In claim 18 line 9, the words "can be" must be replaced with --is--.

In claim 20 line 4, a comma, --, -- should be inserted after transmitters and in line 5, the comma " ," after detects should be deleted.

With regards to claim 19, applicant claims a pilot transmit unit(Fig. 7@40) and traffic channel transmit units(Fig. 7@41i-41n). The new feature is the nature of the pilot signal itself. In claim 18, the combination of the timing generator, first and second modulator, and pilot data generator form the pilot transmit unit(Fig. 7@+40) which is introduced again in claim 19 as a pilot transmit unit. There is only one pilot transmit unit in Fig. 7, and its components are already claimed in claim 18. Claim 19 already generates a pilot signal which is intermittently transmitted. Also in claim 19 applicant claims traffic channel unit which again have already been claimed in claim 18.

It is suggested that in claim 18 applicant introduce the following in line 3 --a pilot transmit unit, said pilot transmit unit further comprising-- followed by the features already claimed.

It is suggested that claim 19 be re-written as follows:

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--A transmitter used in a CDMA mobile communication system as claimed in claim 18, wherein said pilot signal having a period shorter than an interval in which said pilot signal is intermittently transmitted.--- Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation "said pilot signal" in line 6. There is insufficient antecedent basis for this limitation in the claim.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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A handwritten signature in black ink, appearing to read 'Ken' or 'Kv', with a stylized, cursive script.

Kenneth Vanderpuve

June 29, 2001